



**CITY OF COLUMBUS  
BOARD OF ZONING APPEALS  
(September 22, 2015 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** C/CU-15-11 & C/DS-15-15 (Bartholomew County Highway Department)  
**Staff:** Allie Keen  
  
**Applicant:** Bartholomew County Highway Department  
**Property Size:** 6.00 Acres  
**Current Zoning:** CC (Commercial: Community)  
**Location:** 2452 State Street, in the City of Columbus

Those items underlined represent additional information that was added to the previous staff report for the August 25, 2015 meeting.

**Background Summary:**

The applicant has indicated that the proposed conditional use will allow the expansion of a government facility (non-office) in the CC (Commercial: Community) zoning district for the purpose of constructing a salt storage/mixing structure at the Bartholomew County Highway Garage, per Zoning Ordinance Section 3.20(B). The applicants are also requesting a development standards variance from Zoning Ordinance Section 3.20(C) to allow the new structure to be 40 feet in height, which is 15 feet taller than the 25 foot maximum height of an accessory structure within the CC (Commercial: Community) zoning district.

**Preliminary Staff Recommendation:**

Conditional Use: Approval, with the following conditions:

1. A landscape buffer shall be planted along the western and eastern property lines immediately inside the fence in the area of expansion (approximately 205 feet along the western property line and 138 feet along the eastern property line measured from the Illinois Avenue right-of-way). The plant material shall be consistent with a Type A Buffer's Opaque Tree Screen, per Zoning Ordinance Section 8.2(D)(2).
2. The applicant shall install Bald Cypress trees, or an equivalent tree, along the Illinois Avenue frontage within the right-of-way, that are approximately 40 feet apart (approximately 12 trees) in association with the use or development of the property.
3. There shall be no vehicle access to or from Illinois Avenue.

Development Standards Variance (Height): Approval, all criteria have been met.

**Zoning Ordinance Considerations:**

**District Intent:** The intent of the CC (Commercial: Community) zoning district is as follows: To establish appropriate locations for a variety of businesses providing a variety of goods and services to (1) community-wide consumers and (2) those who travel through or visit the area. This zoning district is not intended for use along traffic corridors, but should instead be applied at significant intersections along major transportation routes. This zoning district should be applied only to areas with adequate infrastructure and road access to accommodate moderately high traffic volumes.

**Development Standards:** Section 3.20(C): Accessory Structure Height – The maximum height for an accessory structure within the CC (Commercial: Community) zoning district is 25 feet.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Government Facility (County Highway Garage)
<b>Site Features:</b>	County Highway Department buildings, several accessory structures, fuel canopy and gas pumps, and an existing fence.
<b>Flood Hazards:</b>	There are no flood hazards at this location.
<b>Vehicle Access:</b>	This property gains access from State Street (Principle Arterial, Commercial, Suburban), Gladstone Avenue (Minor Arterial, Residential, Suburban) and Illinois Avenue (Local, Residential, Urban).

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	P (Public/Semi-Public Facilities)	Worship Facility (East Columbus United Methodist Church) Government Building (Bartholomew County Youth Services)
<b>South:</b>	I2 (Industrial: General)	Industrial (Dorel)
<b>East:</b>	RM (Residential: Multi-Family) CC (Commercial: Community)	Multi-Family Apartments (Booth Manor & Salvation Army) Commercial (U-Haul Rentals)
<b>West:</b>	CC (Commercial: Community)	Commercial (Cork Liquors) Single-Family Residential

<b>Interdepartmental Review:</b>	
<b>City Engineering:</b>	If the County Highway Garage would like to use Illinois Avenue as the exit for semi-trucks, they will need to bring the street (both sides) up to the standards for a Local-Commercial street, including curb and gutter.
<b>Code Enforcement:</b>	Code Enforcement does not see any issues with the project at this time.
<b>Fire Department:</b>	No comments.

### Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicant is requesting to expand the existing Bartholomew County Highway Garage for the purpose of constructing a new 9,600 square foot salt and sand storage/mixing structure in the northwest corner of their property. Zoning Ordinance Section 3.20(B) considers government facilities (non-office) as conditional uses in the CC (Commercial: Community) zoning district. The proposed expansion triggers conditional use approval from the Board of Zoning Appeals.
2. According to the applicant, the new structure is needed in order to comply with the Indiana Department of Environmental Management's (IDEM) current standards for the storage of road salt and sand to prevent any leaching of salt offsite. Currently, these materials are stored uncovered and mixed outside on the County Garage property. The new structure will allow the unloading, loading, and mixing of the salt and sand entirely within the structure.
3. The applicants have indicated that having the mixing occur within the new structure will also reduce noise within the surrounding area because this process will now take place inside the structure. Within the structure the salt will be on one side and the sand will be on the other. Dump trucks and loaders will mix the two materials in the middle of the structure to prepare it for use.
4. The subject property is located in an area that is mixed use. Along State Street, the surrounding uses are primarily commercial and industrial. To the east along Gladstone there is commercial and multi-family housing. To the north of the property there are other government facilities, a worship facility (East Columbus United Methodist Church), single-family residential, and a fire station. To the west of the property there are primarily single-family residential properties. The proposed structure will be immediately adjacent to single-family residences located to the west of the property.
5. There is an existing 8 foot tall semi-opaque, chain link fence along the subject property's boundary, which was expanded in March of 2015. The structure is proposed to be within this fence. This location was chosen because there is an existing gate that could provide access to Illinois Avenue from the new structure in the future. Because this property is a through lot and the primary access is gained from State Street, an 8 foot tall fence along the Illinois frontage is permitted by the Zoning Ordinance. The current fence type (chainlike with slats) would not qualify as a component of a buffer, as defined by the Zoning Ordinance Section 8.2(D)(c).
6. The single-family residences to the west of the subject property are currently zoned CC (Commercial: Community) although they are used for residential. Typically, a Type A Buffer would be required between a commercially zoned property and a residentially zoned property, per Zoning Ordinance Section 8.2(Table 8.3). While a buffer would not be required automatically with this proposal, the Board of Zoning Appeals could require it as a condition. Per Zoning Ordinance Section 8.2(D) of the Zoning Ordinance, a Type A Buffer shall include a minimum width of 25 feet and shall be a dense buffer that consists of dense evergreen landscaping or a fence or wall with landscaping. If these residential properties were redeveloped as commercial, such as an office or restaurant, these uses could also benefit from additional buffering because of the potential incompatibility of uses. Additional buffering may also be warranted along the eastern property line in order to screen the existing apartments to the east. With the existing fence being located on the property line, the landscape buffering could be located inside the fence. Although it would be inside the fence, it would still provide additional screening and buffering from the subject property to the adjacent properties. There are public utility easements along the east and west property lines that contain underground utilities. After discussing the possibility of landscaping within those easements, City Utilities stated that it should not be an issue with the existing utilities within the easement.
7. The proposed structure will be located along the Illinois frontage, which is a street that has several single-family residences, a worship facility, and other government facilities. Illinois Avenue is not a high traffic road and has more of a neighborhood aesthetic. With the proposed expansion, it may be warranted to require additional landscape screening along this frontage to address not only the adjacent properties, but also the motorists and pedestrians traveling through the area. Additional buffering would also improve the aesthetics and be consistent with the neighborhood atmosphere of the street. There is an existing utility easement that runs along the northern property line of the subject property that contains a sewer line. Unlike the easements along the east and west property lines, this is a private easement specifically for the Salvation Army apartments that are adjacent to the subject site. This would likely prevent any landscaping being located on the inside of the fence on the

subject site. However, the addition of street trees along Illinois Avenue could provide the desired buffering and also address that frontage of the subject site and enhance the overall aesthetics of the street. The Bald Cypress would be an ideal tree for this frontage because they are fairly low maintenance, they have denser foliage with minimal leaf litter, and are not fruit bearing. These trees are also on the acceptable street tree list in the City of Columbus Subdivision Control Ordinance (Table 16.24-9).

8. Zoning Ordinance Section 3.20(C) states that the maximum height of an accessory structure within the CC (Commercial: Community) zoning district is 25 feet. The new structure is proposed to have a height of 40 feet at its peak, which is 15 feet taller than permitted for an accessory structure. There are several other structures on the subject property; however the tallest structure on-site is only 25 feet. The East Columbus United Methodist Church, which is located across the street on Illinois Avenue, is approximately 40 feet in height to the top of the roof; however a majority of the surrounding buildings are approximately 20 feet in height or less. The residential home adjacent to the property to the west is only 20 feet in height. The applicant has indicated that in order for everything to take place within the structure, it needs to have the maximum height of 40 feet, primarily for the delivery trucks to be able to lift the truck beds in order to dump the salt and sand fully within the structure. If the proposed structure was the primary structure onsite, the Zoning Ordinance would allow a maximum height of 40 feet. At a facility similar to the County Garage, there is little distinction between primary and accessory structures. Additionally, if the residential properties to the west were ever redeveloped as zoned, those structures would be permitted to be a maximum of 40 feet in height. Therefore, the proposed structure, although taller than permitted for an accessory structure, would not exceed the maximum height for primary structures in the CC (Commercial: Community) zoning district.
9. According to the applicant, all trucks will access the structure interior to the site and exit the property onto either Gladstone or State Street. According to the applicant, they anticipate approximately 48 delivery trucks per year. Last year there were only 26 deliveries total and the most trucks seen in one day was 4. The location of the structure would allow access onto Illinois Avenue from the existing gate in the future. Illinois Avenue is currently classified as a Local, Residential, Urban street in the Columbus Thoroughfare Plan. The Thoroughfare Plan states that the minimum right-of-way width of a Local, Residential, Urban street should be 50 feet with a minimum of 8.5 foot travel lanes, 5 foot sidewalks, and curb and gutter. The current pavement width of Illinois Avenue is 21 feet (10.5 foot travel lanes) and a right-of-way width of 80 feet, which exceeds the minimum requirements in the Thoroughfare Plan. However, there are currently no curb and gutter and no sidewalks on the south side of Illinois Avenue, with exception to the adjacent property to the east (Salvation Army Apartments).
10. In the future, if there is semi-truck traffic onto Illinois Avenue, the classification of street would then be considered to be a Local, Commercial, Urban street. The City Engineering Department has indicated that if semi-trucks will be using Illinois Avenue, it should be widened to meet the current standards of the Thoroughfare Plan for a Local, Commercial, Urban street, which results in 11 foot wide travel lanes and 8 foot wide on-street parking on both sides of the street. Curbing should also be constructed on both the north and south side of the street, which is required for a Local, Commercial, Urban street.
11. The applicant has indicated that the proposed structure's location was chosen in order to line up with the existing gate that would provide future access to Illinois Avenue. Zoning Ordinance Section 7.3(Part 1)(C)(c)(iii), states that no two entrances from a local street to a property shall be permitted within 100 feet. The current location of this gate may not meet the required separation distance from the existing driveway for the residence to the west. If the new drive access onto Illinois Avenue does not meet the 100 foot separation requirement, the gate will either have to be relocated or another development standards variance would be necessary.
12. A majority of the current parking and driveways within the County Highway Garage property are constructed of gravel. The applicants have not indicated if the interior drive accessing the new structure will be gravel or paved. Zoning Ordinance Section 7.2(Part 4)(A)(1) in all commercial zoning districts all driveways and parking areas shall be paved. If the applicants choose to use gravel for the new access drives to the structure, another development standards variance would be necessary.
13. According to the provided drawings the structure will meet the required side and front setbacks of Section 3.20(C) of the Zoning Ordinance. Despite the presence of the home and due to the

commercial zoning, the structure is only required by the Zoning Ordinance to be setback a minimum of 10 feet from the west property line. The proposed structure is proposed at 22 feet from the west property line. The proposed setback and the existing fence provide the only separation between this structure and the adjacent residential property.

### **Comprehensive Plan Consideration(s):**

The Comprehensive Plan designates the future land use of properties in this area as Commercial and Residential.

The Comprehensive Plan includes this property in the East Columbus character area. The following planning principles for that character area apply to this application:

1. Encourage property rehabilitation.
2. Prohibit the encroachment of commercial and industrial uses into predominantly residential areas.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. POLICY A-2-9: Preserve and enhance the character of neighborhoods.
2. POLICY A-2-10: Keep residential neighborhoods at a "human" scale, preventing high-rise or massive buildings.
3. POLICY A-2-11: Encourage all new development to be in scale (height, area, mass, setback, etc.) with its surroundings, determined by a neighborhood-by-neighborhood basis.
4. POLICY B-1-7: Meet or exceed state and federal water quality standards.

The Comprehensive Plan's State Street Corridor Plan identifies the subject property as being located within the Industrial-Commercial zone where there is a mix of large industrial operations, such as Cummins, Dorel, Faurecia, commercial uses, and residential uses. The plan also identifies this property as an opportunity site for future redevelopment. The long-term option for the property identifies this site being developed as a combination of new multi-family residential along Illinois Avenue and retail uses along State Street and Gladstone Avenue. In the event the County Highway Garage stays at this location, the State Street Plan also provides an alternate concept for a County Campus that includes a rehabilitated Highway Department building and a County office building located along Illinois Avenue.

### **Provisional Findings of Fact/Decision Criteria (Conditional Use):**

Section 12.4(D) of the Zoning Ordinance permits the Board of Zoning Appeals to allow conditional uses that meet the criteria listed below. The Board may impose reasonable conditions as part of an approval.

- 1. The proposal will not be injurious to the public health, safety, and general welfare of the community.**

*Provisional Findings:* At this time the proposed structure will gain access interior to the site and will not utilize Illinois Avenue. In addition the structure's location does not create any sight visibility issues, therefore this request is not injurious to the public health and safety. This criterion has been met.

- 2. The development of the property will be consistent with the intent of the development standards established by the Zoning Ordinance for similar uses.**

*Provisional Findings:* With exception to the subsequent development standards variance to allow the structure to exceed the maximum accessory structure height, all other development standards of the Zoning Ordinance will be met, including setback and lot coverage. The structure will not exceed the 40 foot maximum for primary structures. *This criterion has been met.*

- 3. Granting the conditional use will not be contrary to the general purposes served by the Zoning Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity.**

*Provisional Findings:* The proposed expansion will be located immediately adjacent to the residential properties to the west; however with the addition of a landscape buffer between the properties there will be additional separation and screening from the proposed expansion. In addition, street trees along Illinois Avenue and a landscape buffer along the eastern property line will address the other adjacent properties and provide screening and separation. This criterion has been met.

4. **The proposed use will be consistent with the character of the zoning district in which it is located and the recommendations of the Comprehensive Plan.**

*Provisional Findings:* The subject property is located within the Comprehensive Plan's East Columbus character area, which is characterized by mixed use, and the County Highway Garage has been at this location for several years. The Comprehensive Plan also states that new development should be in scale, including height, mass, and area, and should preserve the character of neighborhoods. By providing additional screening with a landscape buffer along the east and west property lines, as well as street trees along Illinois frontage, the impact on the neighboring properties of the proposed expansion will be minimized. The addition of street trees will also enhance the character of the neighborhood, which is supported by the Comprehensive Plan. This criterion has been met.

#### **Board of Zoning Appeals Options:**

In reviewing a request for conditional use the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

#### **Provisional Findings of Fact/Decision Criteria - (Development Standards Variance – Height):**

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

*Provisional Findings:* The increased height will not create any sight visibility issues on Illinois Avenue. The increased height will also allow for the storage of the salt and sand on the property to be entirely indoors which will prevent leaching of the product offsite. *This criterion has been met.*

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

*Provisional Findings:* The surrounding area is characterized by mixed use with structures of varying heights. The requested 40 foot height would not exceed the allowed maximum height of other primary structures within the same zoning district. With screening from a landscape buffer, the proposed structure would have a minimized impact of the surrounding area. This criterion has been met.

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

*Provisional Findings:* The additional height is being requested in order to facilitate the semi-

trucks that will be delivering the salt and sand to the property. This type of structure is typical for the current use of this property. Although the proposed structure is considered to be an accessory structure by the Zoning Ordinance, it is typical for this type of use to have several structures on-site that have different functions for the use of the property. Additionally, the proposed height of the structure will not exceed the maximum height of a primary structure within the CC (Commercial: Community) zoning district. This criterion has been met.

**Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.